

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-102

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Judge:

Complainant:

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**ORDER**

October 6, 2021

The Complainant alleged a superior court judge incorrectly allowed for the removal of her minor child. Further, the complainant claimed that the judge had discriminated against her because of her disability.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Joseph C. Kreamer and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 6, 2021.

2021-102

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I am a victim of illegal kidnapping of my baby. While my baby was in the hospital DCS took my baby without my consent and railroaded me. The petition filed by DCS was completely fabricated by \_\_\_\_\_

The petition never "stated one time how they really took my baby. The Petition made it seem like they removed her from the home when they did not. They removed my baby from the hospital not from home. I went and filed a motion to Judge \_\_\_\_\_ to dismiss this case and return my baby. I never neglected my baby she never came home after birth from the hospital for me to Neglect her. I sent evidence to Judge \_\_\_\_\_ he stated it wasnt admissible in court. My child was Neglected while in the hospital I showed \_\_\_\_\_ the pictures of neglect. He circulated the information to the departement but did not submit it as Evidence. This is injustice my rights was violated and my baby. I am completely innocent I was discriminated against. Because I have a \_\_\_\_\_ my baby was taken from the hospital and because a exaaggerated police report of \_\_\_\_\_ Calls which was not true and because of my disability. And Judge \_\_\_\_\_ knew that I was innocent because I sent him proof. He said in his court Document my Disability was a reasonable cause to keep my child in custody. I babysat other people children I had a CPR, and First Aid from \_\_\_\_\_ before my baby was born. The department was suspose to return my baby within \_\_\_\_\_ if the petition was not filed. The petition was not filed until \_\_\_\_\_ they removed my child without my consent on \_\_\_\_\_ There was no Nealect or abuse this is my first child she was in the hospital the whole time since birth. I also sent \_\_\_\_\_ my father \_\_\_\_\_ he has the same \_\_\_\_\_ he was able to obtain his \_\_\_\_\_ and he drives. This is unfair I have a right to have a baby without Goverment Interference. I was not given Due process they took advantage of me and my child. I was not able to address the allegations made against me before they removed my baby. I worked at \_\_\_\_\_ for over \_\_\_\_\_ they made it seem like I was \_\_\_\_\_ and couldnt care for my baby when in fact the allegations was knowingly not true. The department did not have a court order when they removed my baby. They slander my name said things about me that was not true the knowingly lied to remove my baby from the hospital. The petition stated there was \_\_\_\_\_ Calls according to them it was a reason to remove mv babv when it was not true. The department only provided one police report not \_\_\_\_\_ police reports. \_\_\_\_\_ I feel like trying to railroad me to see his Doctor and declare me \_\_\_\_\_ so, They can keep my baby for no reason. They did not have a real justified reason to remove my baby.

- I have rights to be treated fairly
- I have a right to be heard
- I have a right to be protected from the accused
- I have a right to not be discriminate against.

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

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**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

ARIZONA [REDACTED] COURT  
[REDACTED] REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

Observation/Concerns & Review Board Recommendations:

1. The Board is concerned that the biological mother receive a sufficient level of support services to meet her needs. The Board notes the following:
  - The biological mother is assessed with significant [REDACTED] that require services tailored to her abilities.
  - The case manager observes that the biological mother requires reminders; however, believes it to be too soon to rule out reunification accompanied by specialized wrap-around services as a realistic goal.Therefore, the Board recommends that the Department proactively refer the biological mother for services that may be of benefit.
  
2. The Board is concerned with visits between the biological mother and [REDACTED]. The Board notes that [REDACTED] was removed in [REDACTED] however, only one supervised visit has been offered due to Department staffing issues. Additionally, the Board believes that the biological mother is now assigned to a parent aide which should alleviate this issue moving forward. Therefore, the Board recommends that the case manager ensure that the biological mother is offered any [REDACTED] due to her related to this lapse in service.
  
3. The Board is concerned that the biological mother attempted to participate in today's review; however, was unable to manage the [REDACTED] application adequately. Therefore, the Board recommends that the case manager assist the biological mother with calling in to the review, should she decide to participate in future [REDACTED] meetings.

Pursuant to A.R.S. 8-515.03:

The Agency must respond, within [REDACTED] of receipt, to accept or decline [REDACTED] recommendations made specifically to case managers. Please email responses to [REDACTED] referencing the [REDACTED] number, review date and child(ren) name, and title the subject line as "[REDACTED]"

Administrative Notes:

cc:

- [REDACTED] - Case Manager Supervisor
- [REDACTED] - Attorney Father, Alleged
- Attorney [REDACTED] - Attorney
- Parent Mother, Biological For [REDACTED]
- [REDACTED] - Guardian Ad Litem Mother, Biological
- Judge [REDACTED] - Court
- Parent Father, Alleged For [REDACTED]
- Placement Mother, Foster For [REDACTED]
- [REDACTED] - Guardian Ad Litem For [REDACTED]
- [REDACTED] - Case Manager For [REDACTED]

ARIZONA [REDACTED] COURT  
[REDACTED] REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

Reports Considered:

Initial Report, [REDACTED] Case Plan, [REDACTED] Court Minute Entries, [REDACTED] [REDACTED] [REDACTED] Police

Parties Present at Review:

[REDACTED] Case Manager for [REDACTED]

According To:

[REDACTED]  
Case Manager

1. [REDACTED] is doing very well.
2. [REDACTED] does not require the use of her [REDACTED] much anymore; however, placement keeps it available in case of an emergency.
3. [REDACTED] had a recent medical appointment where it was determined that she is doing so well that she will not require such frequent visits moving forward.
4. [REDACTED] is gaining weight and eating well since placement.
5. The biological mother participates in services.
6. The biological mother just recently began in-person visits with [REDACTED]
7. The biological mother requires some prompting to care for [REDACTED] however, nothing too extensive.
8. The biological mother participates in [REDACTED] services.
9. There is a home study in process for a kinship placement.
10. She intends to participate in a [REDACTED] consultation to determine the need for a full [REDACTED] evaluation.
11. She believes that it is too early to determine; however, she suspects that the biological mother will most likely require assistance to care for [REDACTED]
12. As she observes the biological mother, she believes oversight would be needed regardless of whether [REDACTED] was a healthy child or a fragile child.
13. She has experience with parents who, with long term supports, are able to carry out their parental responsibilities.
14. She believes this could be a potential option in this case.
15. The biological father is [REDACTED]
16. She was scheduled to meet with the biological father prior to [REDACTED]

ARIZONA [REDACTED] COURT  
[REDACTED] [REDACTED] REVIEW BOARD  
FINDINGS AND RECOMMENDATIONS

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[REDACTED]  
[REDACTED]  
The Parents are not participating in services and [REDACTED]

The Parents are not securing adequate housing

**Finding Comments:**  
None

6. The Board makes a determination that progress is being made toward establishing permanency for the child(ren).  
No

[REDACTED]  
The case plan has not been in place long enough to assess progress.

**Finding Comments:**  
None

7. At the time of the review, the Board makes a determination that the established target date for the completion of the permanency goal is REALISTIC.  
No

[REDACTED]  
The Agency's established target date is unrealistic for the needs of the child and/or family.

**Finding Comments:**  
None

8. The Board recommends that a judicial determination be made that reasonable efforts, or active efforts in an [REDACTED] case, are being made by the Agency to implement the permanency plan for the child(ren).  
Yes

**Finding Comments:**  
None

The child(ren)'s education and/or services to address developmental needs are being implemented successfully.

**Finding Comments:**

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**